

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 14899 OF 2006

DATED: 20.07.2006

Between:

The Chittoor Notified Industrial Service Societies
Administrative Buildings, APICC Ltd., Chittoor, rep. by
Chairman G.D. Naidu, Chittoor

... Petitioner

And:

The AP Industrial Infrastructure Corporation Ltd.
Rep. by its VC&MD, Basheerbag, Hyderabad and others

... Respondents

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ORAL ORDER:

Heard learned counsel for the petitioner and Sri E.Madanamohana Rao learned Standing Counsel for the respondent-Corporation.

The writ petition is misconceived. The petitioner by an order of the 1st respondent-Corporation dt 1.7.1997, was permitted to collect property tax and supervise the maintenance works in the Industrial Areas at Chittoor, the petitioner being an association of entrepreneurs having an interest in the industrial areas in Chittoor, which are under the administrative control of the 1st respondent-Corporation.

The 1st respondent-Corporation on a view that the petitioner society is not taking adequate steps for collection of

property taxes of the industrial areas; was not conducting its elections to its managing body in accordance with the norms expected by the respondent-Corporation; has continued in the management, persons who have themselves not paid property tax to the respondent-Corporation; and had shown a very low percentage of property tax collection, issued a show cause notice dated 3.1.2006 calling upon the petitioner why the earlier orders dated 1.7.1997 be not withdrawn. The petitioner society submitted its response and the respondent-corporation granted further time to the petitioner upto 31.3.2006 to improve its performance.

Even thereafter the respondent-corporation was satisfied that the performance of the petitioner-association is not upto its expectation and therefore by the impugned order has withdrawn the facilitation / accreditation / license granted to the petitioner.

The relationship between the petitioner and the respondent-Corporation has no public law implications. Indisputably the right to collect property taxes and to maintain the infrastructure in the industrial areas is the obligation, within the authority and jurisdiction of the respondent-Corporation. To facilitate the execution of some of its obligations, the respondent-corporation has appointed the petitioner society as its agency. It has however, by the impugned order withdrawn the permission after complying with the principles of natural justice. The petitioner has no right exclusive or otherwise to continue to be a property taxes collection agent of the respondent-corporation. Existence of a right is the only foundation for issuance of a Mandamus.

There are no merits in the writ petition. The writ petition is accordingly dismissed at the stage of hearing. No order as to costs.

Dt: 20.07.2006

Pvsn
G.Raghuram

Justice